

REMARKS

Claim 5 is pending in this application. By this Amendment, claim 5 is amended. Support for the amendments to claim 5 may be found in Figs. 24 and 25, and the accompanying discussion of those figures on page 67-72, for example. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action objects to the drawings. In particular, the Office Action asserts that the recited table must be shown or the feature canceled from the claim. Fig. 24 already shows an example of the recited table. Accordingly, withdrawal of the objection to the drawings is requested.

This Amendment is being filed in response to the October 20, 2008 Notice of Panel Decision. The November 20, 2008 one month due date from the Notice of Panel Decision is later than the November 17, 2008 two month due date created by the filing of the November 17, 2008 Notice of Appeal. The November 20, 2008 due date is being extended five times by the attached Petition for Extension of Time. During this period, Applicants also received a Notice of Abandonment issued on March 6, 2009. The Notice of Abandonment was rescinded, however, by the March 18, 2009 Letter Rescinding Notice of Abandonment.

The Office Action rejects claim 5 under 35 U.S.C. §103(a) over JP 64-016346 to Satoru and rejects claim 5 under 35 U.S.C. §103(a) over Satoru in view of U.S. Patent No. 5,053,971 to Woods. The rejections are respectfully traversed.

The Office Action asserts that Satoru would have rendered obvious the recited feature that the columns in the table include a first division for each number of revolutions of a lens corresponding to the type of material of the plastic lens being machined and each first division includes a further division for each edge thickness of the plastic lens being machined. Satoru does not disclose that a number of revolutions of the plastic lens is calculated based on

the type of material of the plastic lens, the edge thickness of the plastic lens being machined, the kind of machining and the turning speed of the plastic lens, and that thereby the lens is machined based on the number of revolutions, as recited in claim 5.

The above-mentioned feature is not disclosed by Satoru, and addresses a problem that is not recognized in Satoru. In particular, if the radius of a curvature of the lens holding surface (e.g. element 197) is greater than the radius of curvature of the convex side lens face (e.g., element 1A), only the center part of the lens holding surface will make contact with the convex side lens face and the outer periphery thereof will not make contact, resulting in an unstable holding (e.g. Figs. 20A, 20B and 21). Conversely, if the radius of curvature is smaller, only the outer periphery of the lens holding surface will make contact with the convex side lens face and the center part thereof will not make contact, resulting in a comparatively stable holding and making it possible to prevent axis dislocation (page 51, line 20-page 52, line 11 of the specification).

In order to prevent the shaft displacement, the inventors of the present application have determined a relation between the edge thickness of the lens and the number of revolutions of a plastic lens. Applicants' determined relation can be used to manufacture a plastic spectacle lens while preventing the above-discussed shaft displacement (page 69, line 8-page 71, line 14). Thus the inventors of the presently claimed subject matter have discovered the source of a problem solved by the claimed subject matter. The discovery of the source of the problem is part of the "subject matter as a whole" analysis that must be considered by the Examiner (MPEP §2141.02(III) and (IV)). Further, the claimed subject matter proceeds contrary to the accepted wisdom in the prior art, and provides a solution to a disadvantage of the prior art, which demonstrates non-obviousness (MPEP §2145(X.D.3)).

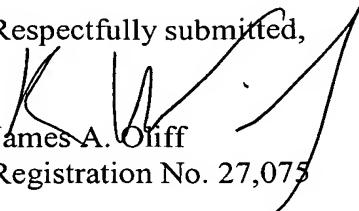
While the Examiner may allege that Satoru discloses determining a turning speed of the turning manufacturing tool, Satoru does not disclose that the number of revolutions of the

plastic lens is calculated based on the type of material of the plastic lens, the edge thickness of the plastic lens being machined, the kind of machining and the turning speed of the plastic lens, and that thereby the lens is machined based on the number of revolutions, solving the problem of the shaft displacement, as explained above. Woods does not supply the above subject matter that is missing in Satoru, and the Examiner relies on Woods for other features.

In view of the above, Satoru and Woods, individually or in combination, do not disclose, and would not have rendered obvious, the subject matter recited in claim 5. Accordingly, withdrawal of the rejections of claim 5 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 5 is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: April 7, 2009

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